



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/813,781	03/07/97	WEIDANZ J	46745

HM12/0312

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EXAMINER

LUBET, M

ART UNIT

PAPER NUMBER

1644

14

DATE MAILED: 03/12/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/813,781

Applicant(s)

Weidanz et al

Examiner

Lubet

Group Art Unit

1644



☒ Responsive to communication(s) filed on Jan 4, 1999

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4, 6-9, 13-15, and 18-68 is/are pending in the application.

Of the above, claim(s) 20-59 and 68 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-4, 6-9, 13-15, 18-20, and 60-67 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ sequeno letter

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. In Paper 8 mailed Feb. 27, 1998 a restriction requirement was made. In response to the restriction requirement, Applicant elected Group I. Examiner rejoined the invention of Group I to Group II. Original claims 1-20 pertain to the elected invention. In Paper 13, filed Jan 13, 1999, Applicant canceled claims 5, 10, 11, 12, 16 and 17, amended claims 1, 9 and 20 and added new claims 60-68. Claim 68 is drawn to a non-elected invention, a bacteriophage comprising the soluble fusion protein of claim 1. Therefore claim 1-4, 6-9, 13-15, 18-20 and 60-67 are drawn to the elected invention and are under examination.

2. Claim 1-4, 6-9, 13-15, 18-20 and 60-67 are drawn to a plurality of disclosed patentably distinct species comprising a single chain T cell receptor comprising  $V\alpha$  and  $V\beta$ . TCR and a bacteriophage coat protein. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. For instance Applicant could elect a soluble fusion protein comprising a bacteriophage coat protein covalently linked to in sequence :  
1) V- $\alpha$  chain, 2) a peptide linker sequence, 3) a  $V\beta$  chain linked to a C- $\beta$  chain fragment and a bacteriophage gene VIII protein.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825. for the reason(s) set forth below in the attached raw sequence listing error summary. Applicant stated that a copy of defective CRF report was not included in the office action mailed June 23, 1998. A copy of the defective CRF report is attached.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martha Lubet whose telephone number is (703) 305-7148. The examiner can normally be reached on Monday through Friday from 8:15 AM to 4:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for this group is (703) 305-

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3014 or 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Martha Lubet

TC

THOMAS M. CUNNINGHAM  
PRIMARY EXAMINER  
GROUP 1800